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Attorney for Donald Clyburn

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR-07-0473-PJH
)	
Plaintiff,)	NOTICE, STIPULATION AND
)	[PROPOSED] ORDER REGARDING CASE
Vs.)	STATUS AND PRETRIAL HEARING
)	
DONALD CLYBURN,)	
)	Honorable Phyllis J. Hamilton
Defendant.)	No Hearing Required
)	
)	

Defendant, Donald Clyburn, by and through his attorney, Steven F. Gruel, and the United States of America, by and through its attorney, Owen Martikan, hereby file this Notice, Stipulation and [Proposed] Order regarding Case Status and Pretrial Hearing.

This case is set for pretrial conference on December 19, 2007 and jury trial on January 14, 2008. However, since the last hearing in this case, the parties have had active plea negotiations resulting in a possible plea agreement which will include a guilty plea to the charge in the

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1 indictment.

2 However, before the plea agreement may be finalized, more time to investigate the case is
3 necessary for effective preparation. Specifically, defense counsel needs and requests additional
4 time to review the images which were seized so as to determine their impact on the sentencing
5 guideline calculations. Defense counsel has been in contact with the case agent to arrange a time
6 and place to review this evidence.
7

8 Consequently, with the Court's permission, the parties respectfully request that the pretrial
9 hearing date and trial date be vacated. Instead, the parties request that January 30, 2008 at 2:30
10 p.m. be scheduled for a change of plea to the indictment.

11 The parties agree that there is excludable time from December 10, 2007 to January 30, 2008 to
12 allow for effective preparation of counsel under the Speedy Trial Act.

13 SO STIPULATED:
14

15 DATED: 12/10/07

_____/s/_____
STEVEN F. GRUEL,
Attorney for Donald Clyburn

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17
18 DATED: 12/10/07

_____/s/_____
OWEN MARTIKAN
Assistant United States Attorney

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25 NOTICE, STIPULATION AND [PROPOSED] ORDER
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[PROPOSED] ORDER

PREDICATED on the above stipulation and GOOD CAUSE APPEARING, the pretrial hearing date and trial date are vacated. This matter is scheduled for January 30, 2008 for a change of plea hearing. Time from December 10, 2007 to January 30, 2008 is excludable under the Speedy Trial Act for effective preparation of counsel as described above.

IT IS SO ORDERED

Dated:

HONORABLE PHYLLIS J. HAMILTON
United States District Court
Northern District of California

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